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8 Attorney for Defendant
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12 IN THE UNITED STATES DISTRICT COURT
13 FOR THE NORTHERN DISTRICT OF CALIFORNIA
14 SAN JOSE DIVISION

15 UNITED STATES OF AMERICA

16 Case No. CR-08-284-RMW

17 Plaintiff,

18 vs.

19 MAX BUDZIAK,

20 Defendant.

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28 **STIPULATION AND
ORDER TO CONTINUE HEARING ON
REMAND FOR CONSIDERATION OF
DISCOVERY ISSUES**

The captioned matter is now set for hearing on remanded discovery issues on October 17, 2013. The government requested and was granted more time to file its brief, defense counsel now requests more time to file its brief and to continue the hearing. Defense counsel, Michael Whelan and Graham Archer, due to the press of other criminal litigation in both state and federal court, are unable to timely draft and file the defense reply brief. Furthermore, defendant Budziak was only recently returned to Santa Clara Main Jail from the U.S. B.O.P. and defense counsel have not yet had an opportunity to meet and confer with him. For all these reasons, counsel for the parties stipulate and request that the hearing be continued to November 7, 2013 and that the defense reply brief deadline be continued to October 24, 2013.

1 IT IS SO STIPULATED:
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3 DATE: October 8, 2013

4 _____/s/ _____
5 Wm. Michael Whelan, Jr.
6 Attorney for Defendant Max Budziak

7 DATE: October 8, 2013

8 MELINDA HAAG, U.S. Attorney
9 _____/s/ _____
10 Jeffrey David Nedrow
11 Assistant United States Attorney

12 **ORDER**

13 Having read and considered the stipulation of the parties, and good cause
14 appearing, the Court hereby orders that the October 17, 2013, 2:00 p.m. hearing
15 date in the captioned matter be continued to November 7, 2013 at 2:00 p.m., and
16 defendant's reply brief shall be filed no later than October 24, 2013.

17 DATE: FEB 11 2014

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19 Ronald M. Whyte
20 United States District Court Judge